

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAMIKO OLABINTAN,

No. C-04-2819 CRB (EMC)

Plaintiff,

v.

**ORDER RE MAY 25, 2006 JOINT
LETTER**

SHURGARD STORAGE CENTERS,
INCORPORATED, *et al.*,

(Docket No. 53)

Defendants.

The parties filed a joint letter regarding discovery disputes over the following issues: (1) Defendant Shurgard Storage Centers, Inc.'s request for a third deposition of Plaintiff; (2) Plaintiff's objections to Defendant's Request for Admissions, Set No. 1; (3) Defendant's Objection to Plaintiff's Interrogatory No. 20, Set One; and (4) Defendant's objection to Plaintiff's Request for Admission No. 2, Set One. By telephone conference call with the Court's clerk, the parties agreed to further meet and confer as to Disputes 2 and 3. Disputes 1 and 4 were submitted to the Court. The Court finds the matters appropriate for decision without oral argument.

I. FURTHER DEPOSITION OF PLAINTIFF

Defendant's request for a third deposition of Plaintiff is GRANTED in part. Rule 30(d)(2) requires the Court to allow additional time for deposition "if needed for a fair examination of the deponent or if the deponent or another person, or other circumstance, impedes or delays the examination." Here, Defendant has shown some need for further deposition resulting from, *inter alia*, clarification as to the basis of her retaliation claim and recent production of her medical

1 records. However, given the Plaintiff has already been deposed for two days, the additional
2 deposition should be short. It may not exceed three hours.

3 **II. DEFENDANT'S OBJECTION TO PLAINTIFF'S RFAS**

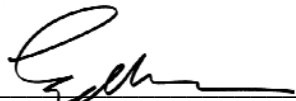
4 Defendant objects to Plaintiff's requests for admission, set one, numbered 2, 4, 6, 7, and 8
5 concerning the *Shutes* class action lawsuit, on the grounds that the outcome or settlement of that
6 lawsuit is not relevant to claims or defenses in this action. Plaintiff's retaliation claim is based on
7 her allegation that Defendant retaliated because Plaintiff was expected to discourage a subordinate
8 employee in her district from litigating the class action. Conceivably the strength or merits of that
9 litigation has relevance to her retaliation claim. Moreover, responding to these requests is simple
10 and imposes no burden on Defendant. Defendant's relevance objection is OVERRULED, and
11 Defendant shall supplement its responses to the aforementioned requests for admissions within 10
12 calendar days of this Order.

13 **III. OTHER DISPUTES**

14 The parties shall file by June 22, 2006 a joint letter to update the Court on their meet and
15 confer regarding Dispute No. 2, Plaintiff's Objections to Defendant's Request for Admission
16 concerning the transcript of the Labor Commissioner hearing; and Dispute No. 3, Defendant's
17 Objection to Plaintiff's Interrogatory concerning qualifications. Should the joint letter indicate
18 whether either dispute requires a ruling by the Court, the Court will deem the matter submitted by
19 the May 25, 2006 joint letter. The Court reserves the authority to order a further meet and confer.

20
21 IT IS SO ORDERED.

22
23 Dated: June 12, 2006

24 
25 EDWARD M. CHEN
26 United States Magistrate Judge
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